

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

LARRY PAYNE,

Plaintiff,

v.

KEVIN GENOVESE, et al.,

Defendants.

No. 3:17-cv-01410


CHIEF JUDGE CRENSHAW

ORDER

Before the Court is a Report and Recommendation from the Magistrate Judge, recommending the Court deny Plaintiff's Motion for a Preliminary Injunction and for a Temporary Restraining Order. (Doc. No. 53.) No timely objections have been filed. After a de novo review, the Report and Recommendation is **ADOPTED**.

Accordingly, Plaintiff's Motion for a Preliminary Injunction and for a Temporary Restraining Order (Doc. No. 2) is **DENIED AS MOOT**. Plaintiff obtained the relief he sought by being transferred to a "flat land facility" such as the Whiteville Correctional Facility and given "special custom shoes." It is unnecessary to issue an order to prevent Defendants from destroying evidence because Defendants already have such a duty because of this pending lawsuit. The Court cannot order Tony Parker to require the Turney Center to follow Plaintiff's doctors' orders because Plaintiff is no longer housed at the Turney Center.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE